

RECEIVED
CENTRAL FAX CENTER

NOV 13 2006

ALCOA TECHNICAL CENTER

INTELLECTUAL PROPERTY

Transmittal Cover Sheet

From: ATC, Intellectual Property Dept. **Tel:** 724.337.4986 **E-Mail:** harry.hildjr@alcoa.com

To:	Fax No:	Company:	Phone No.:
MAIL STOP AMENDMENT	571-273-8300	US PTO	

File No.: 00-0396

Re: Serial No.: 10/743,549
Filing Date: December 22, 2003
Examiner: Janell Combs Morillo
Art Unit: 1742
Confirmation No.: 5795

Date: November 13, 2006

No. Pages: Including Cover Sheet 3

Notes: Please find enclosed the following document relating to the above-cited case:

- 1) A Response to Restriction Requirement having two pages.

Serial No.: 10/743,549
Filing Date: December 22, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: application of: John F. Butler et al.)
Serial No.: 10/743,549)
Filed: December 22, 2003)
Confirmation No.: 5795.

Examiner: Janell Combs Morillo
Group Art Unit: 1742
Attorney Docket No.: 00-0396

RECEIVED
CENTRAL FAX CENTER
NOV 13 2006

Entitled: CRASH RESISTANT ALUMINUM ALLOY SHEET PRODUCTS AND METHOD
OF MAKING THE SAME

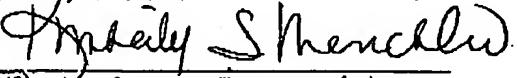
November 13, 2006

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Office Action dated October 11, 2006, applicants provisionally elect the structure Claims 1-38, with traverse.

Claims 1-60 are currently pending in this application. Claims 1 is an independent structure claim to a heat treated and slow quenched aluminum alloy sheet, with Claims 2-38 dependent upon Claim 1. Claim 39 is an independent method claim to a method of treating an aluminum alloy sheet, with Claims 40-60 dependent on Claim 39.

<u>CERTIFICATE OF MAILING</u>	
I hereby certify that this paper (along with any document referred to as being attached or enclosed) is being:	
EXPRESS MAIL <input type="checkbox"/> deposited with the United States Postal Service on _____, with sufficient postage as Express Mail, No. _____, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. (Signature of person mailing paper or fee)	FACSIMILE <input checked="" type="checkbox"/> transmitted by facsimile on November 13, 2006 to the U.S. Patent and Trademark Office. Kimberly S. Merichko  (Signature of person mailing paper or fee)

Serial No.: 10/743,549
Filing Date: December 22, 2003

The Examiner has restricted the claims into two groups: Group I, drawn to Claims 1-38 for an aluminum alloy product; and Group II, drawn to Claims 39-60 for a process of heating an aluminum alloy. In support of the restriction requirement, the Examiner asserted that the inventions of Group I & II are related as process of making and product made. The inventions are distinct if it can be shown that either:

(1) The processes as claimed can be practiced to make another and materially different product or (2) the product as claimed can be made by a materially different process. The Examiner asserted, in this instance, that the product can be made by a materially different process such as powder metallurgy.

Applicants respectfully traverse the Examiner's conclusion. Structure Claim 1 is directed to an aluminum sheet having high strength and favorable crashworthiness and method Claim 39 is directed to a method of heat treating an aluminum sheet having high strength and favorable crashworthiness. Both the claimed structure and method relate to an aluminum sheet having the claimed alloy composition. Powder metallurgy is far removed from forming metal sheet and can not provide equivalent performance characteristics as metal sheet. Therefore, it is respectfully requested that the restriction requirement be withdrawn.

Respectfully submitted,



Harry A. Hild, Jr.

Registration No. 51,803

Attorney for Applicant

Alcoa Technical Center

Intellectual Property Department

100 Technical Drive

Alcoa Center, PA 15069

Phone (724)337-4726

Fax (724)337-5959

**PTO CUSTOMER

NUMBER 08840**